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असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 18th November, 1965:—

BILL No. 72 OF 1965

A bill to provide for the administration of the Union territory of Delhi and for matters connected therewith.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. (*1*) This Act may be called the Delhi Administration Act, 1965. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Administrator" means the Administrator of Delhi appointed by the President under article 239;

(*b*) "article" means an article of the Constitution;

(*c*) "constituency" means a constituency provided by order made under section 4 for the purpose of elections to the Metropolitan Council;

(*d*) "Delhi" means the Union territory of Delhi;

(*e*) "Election Commission" means the Election Commission appointed by the President under article 324;

(*f*) "member" means a member of the Metropolitan Council;

(*g*) "Metropolitan Council" means the Metropolitan Council of Delhi constituted under section 3;

(*h*) "New Delhi" means such area in Delhi as the Central Government may, by notification in the Official Gazette, specify;

(*i*) "Official Gazette" means the Official Gazette of Delhi;

(*j*) "scheduled castes" means any of the scheduled castes specified in Part I of the Schedule to the Constitution (Scheduled Castes) (Union Territories) Order, 1951.

PART II

METROPOLITAN COUNCIL

Constitution of Metropolitan Council.

3. (*1*) **There shall be a Metropolitan Council for Delhi.**

(*2*) The total number of seats in the Metropolitan Council to be filled by persons chosen by direct election from territorial constituencies shall be forty-two.

(*3*) The Central Government may nominate not more than five persons, not being persons in the service of Government, to be members of the Metropolitan Council.

(*4*) Seats shall be reserved for the scheduled castes in the Metropolitan Council and the number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats in the Metropolitan Council as the population of the scheduled castes in Delhi bears to the total population of Delhi:

Provided that the reservation of seats for the scheduled castes in the Metropolitan Council shall cease to have effect on the same

date on which the reservation of seats for the scheduled castes in the House of the People shall cease to have effect under article 334, but such cesser shall not affect any representation of the scheduled castes in the Metropolitan Council until the dissolution of the then existing Metropolitan Council.

(5) For the purposes of this section and section 4, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

Delimitation of constituencies.

4. (1) For the purpose of elections to the Metropolitan Council, Delhi shall be divided into single-member constituencies in such manner that the population of each of the constituencies shall, so far as practicable, be the same throughout Delhi.

(2) For the purpose of giving effect to the provisions of sub-section (1), the Election Commission shall determine in the manner hereinafter provided—

(a) the constituencies into which Delhi shall be divided and the extent of each of such constituencies;

(b) the number of seats to be reserved for the scheduled castes in the Metropolitan Council having regard to the provisions of sub-section (4) of section 3 and the constituencies in which these seats shall be so reserved.

(3) For the purpose of assisting the Election Commission in the performance of its functions under sub-section (2), the Commission shall associate with itself such three persons, being persons who are members of the Interim Metropolitan Council, as the Central Government shall by order specify:

Provided that none of the said associate members shall have a right to vote or to sign any decision of the Election Commission.

(4) The Election Commission shall—

(a) publish its proposals in regard to matters mentioned in sub-section (2) in the Official Gazette together with a notice specifying the date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place as it thinks fit;

(c) make an order delimiting the constituencies specifying therein the constituencies in which seats shall be reserved for the scheduled castes; and

(*d*) send an authenticated copy of the order to the Central Government.

(5) An order made by the Election Commission under this section shall not be called in question in any court.

Power to rectify printing mistakes, etc.

5. The Election Commission may, from time to time, by notification in the Official Gazette, correct any printing mistake in any order made under section 4 or any error arising therein from an inadvertent slip or omission.

Qualification for membership.

6. A person shall not be qualified to be chosen to fill a seat in the Metropolitan Council unless he—

(*a*) is an elector for any constituency and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Schedule;

(*b*) is not less than twenty-five years of age; and

(c) in the case of a constituency reserved for the scheduled castes, is also a member of any of those castes.

Electors and electoral rolls.

7. (*1*) The persons entitled to vote at election of members shall be the persons entitled, by virtue of the provisions of the Constitution and the Representation of the People Act, 1950, to be registered as voters at elections to the House of the People. 43 of 1950.

(2) So much of the electoral roll for any Parliamentary constituency for the time being in force as relates to the areas comprised within a constituency formed under section 4 shall be deemed to be the electoral roll for that constituency for the purposes of this Act.

Right to vote.

8. Every person whose name is, for the time being, entered in the electoral roll of a constituency shall be entitled to vote at the election of a member from that constituency.

Election to Metropolitan Council.

9. The provisions of Part I and Parts III to XI of the Representation of the People Act, 1951 and of any rules and orders made thereunder, for the time being in force, shall apply in relation to an election to the Metropolitan Council, as they apply in relation to an election to the Legislative Assembly of a State, subject to such modifications as the Central Government may, after consultation with the Election Commission, by order direct. 43 of 1951.

Duration of Metropolitan Council.

10. The Metropolitan Council, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Metropolitan Council:

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

Sessions of Metropolitan Council, prorogation and dissolution.

11. (*1*) The Administrator shall, from time to time, summon the Metropolitan Council to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(*2*) The Administrator may, from time to time,—

(*a*) prorogue the Metropolitan Council;

(*b*) with the approval of the President, dissolve the Metropolitan Council.

The Chairman.

12. (*1*) The Metropolitan Council shall, as soon as may be, choose a member to be Chairman thereof and, so often as the office of Chairman becomes vacant, the Metropolitan Council shall choose another member to be the Chairman.

(*2*) A member holding office as Chairman—

(*a*) shall vacate his office if he ceases to be such a member;

(*b*) may at any time by writing under his hand addressed to the Administrator resign his office;

(*c*) may be removed from his office by a resolution passed by a majority of all the then members of the Metropolitan Council:

Provided that no resolution for the purpose of clause (*c*) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that whenever the Metropolitan Council is dissolved, the Chairman shall not vacate his office until immediately before the first meeting of the Metropolitan Council after the dissolution.

(*3*) While the office of Chairman is vacant, the duties of the office shall be performed by such member as the Administrator may appoint for the purpose.

(4) During the absence of the Chairman from any sitting of the Metropolitan Council, such person as may be determined by the rules of procedure of the Metropolitan Council, or, if no such person is present, such other person as may be determined by the Metropolitan Council, shall act as Chairman.

(5) **The Chairman shall be a whole-time functionary and shall be entitled to such salary and allowances as the President may, by order, determine.**

Chairman not to preside while a resolution for his removal from office is under consideration.

13. (1) At any sitting of the Metropolitan Council, while any resolution for the removal of the Chairman from his office is under consideration, the Chairman shall not, though he is present, preside and the provisions of sub-section (4) of section 12 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Chairman is absent.

(2) The Chairman shall have a right to speak in, and otherwise to take part in the proceedings of, the Metropolitan Council while any resolution for his removal from office is under consideration and shall, notwithstanding anything in section 16, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings, but not in the case of an equality of votes.

Right of Administrator to attend and address meetings of Metropolitan Council.

14. The Administrator may attend and address any meeting of the Metropolitan Council.

Oath or affirmation by members.

15. (1) Every member shall, before taking his seat, make and subscribe before the Administrator, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Schedule.

(2) If a person sits or votes as a member before he has complied with the requirement of sub-section (1), or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union.

Voting Metropolitan Council.

16. (1) Save as otherwise provided in this Act, all questions at any sitting of the Metropolitan Council shall be determined by a majority of votes of the members present and voting other than the Chairman or person acting as such.

(2) The Chairman or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Metropolitan Council shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Metropolitan Council shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

(4) The quorum to constitute a meeting of the Metropolitan Council shall be fifteen.

(5) If at any time during a meeting of the Metropolitan Council there is no quorum, it shall be the duty of the Chairman, or person acting as such, either to adjourn the Metropolitan Council or to suspend the meeting until there is quorum.

Vacation of seats.

17. (1) No person shall be a member—

(a) both of Parliament and of the Metropolitan Council, or

(b) both of the Metropolitan Council and of the Delhi Municipal Corporation,

and if a person is so chosen, then at the expiration of fourteen days from the date of publication in the Gazette of India or in the Official Gazette, whichever is later that he has been so chosen,—

(i) in a case referred to in clause (a), that person's seat in Parliament shall become vacant unless he has previously resigned his seat in the Metropolitan Council, and

(ii) in a case referred to in clause (b), that person's seat in the Metropolitan Council shall become vacant unless he has previously resigned his seat in the Delhi Municipal Corporation.

(2) If a member—

(a) becomes subject to any disqualification mentioned in sub-section (1) of section 18, or

(b) resigns his seat by writing under his hand addressed to the Chairman,

his seat shall thereupon become vacant.

(3) If during a period of six successive months, a member is, without permission of the Metropolitan Council, absent from all meetings thereof, the Metropolitan Council may declare his seat vacant.

Disqualifications for membership.

18. (*1*) A person shall be disqualified for being chosen as, and for being, a member of the Metropolitan Council if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under any of the provisions of article 102 or of any law made in pursuance of that article.

(*2*) For the purposes of this section, a person shall not be deemed to hold an office of profit by reason only that he is a member of the Executive Council.

(*3*) If any question arises as to whether a member has become disqualified for being such a member under the provisions of sub-section (*1*), the question shall be referred for the decision of the President and his decision shall be final.

(*4*) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

Powers, privileges, etc., of members.

19. (*1*) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Metropolitan Council, there shall be freedom of speech in the Metropolitan Council.

(*2*) No member shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Metropolitan Council or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the Metropolitan Council of any report, paper, votes or proceedings.

Salaries and allowances of members.

20. Members shall be entitled to receive such salaries and allowances as the President may, by order, determine.

Functions of Metropolitan Council.

21. (*1*) Subject to the provisions of this Act, the Metropolitan Council shall have the right to discuss, and make recommendations with respect to, the following matters in so far as they relate to Delhi, namely:—

(*a*) proposals for undertaking legislation with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to Union territories (hereafter referred to as the State List and the Concurrent List);

(*b*) proposals for extension to Delhi of any enactment in force in a State relatable to any matter enumerated in the State List or the Concurrent List;

(c) proposals for legislation referred to it by the Administrator with respect to any of the matters enumerated in the State List or the Concurrent List;

(d) the estimated receipts and expenditure pertaining to Delhi which are to be credited to, or is to be met from, the Consolidated Fund of India;

(e) matters of administration involving general policy and schemes of development in so far as they relate to matters enumerated in the State List or the Concurrent List;

(f) any other matter referred to it by the Administrator.

(2) The recommendations of the Metropolitan Council, after having been duly considered by the Executive Council, shall, wherever necessary, be forwarded by the Administrator to the Central Government with the views, if any, expressed thereon by the Executive Council.

Right of members to ask questions.

22. Subject to the rules regulating the procedure of the Metropolitan Council, a member shall have the right to ask questions on any matter in so far as it falls within the purview of the Metropolitan Council under sub-section (*i*) of section 21.

Rules of procedure.

23. (*1*) The Metropolitan Council may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business:

Provided that the Administrator shall, with the approval of the President, make rules for prohibiting the discussion of, or regulating the asking of questions on, any matter which affects the discharge of his functions in so far as he is required by or under this Act to act in his discretion, or by or under any law to exercise judicial or quasi-judicial functions and, if and in so far as any rule so made by the Administrator is inconsistent with any rule made by the Metropolitan Council, the rule made by the Administrator shall prevail.

(2) Until rules are made under sub-section (*1*), the procedure and conduct of business of the Metropolitan Council shall be regulated by such rules as the Administrator may make in this behalf.

Language to be used in Metropolitan Council.

24. The business in the Metropolitan Council shall be transacted in Hindi or in English:

Provided that the Chairman of the Metropolitan Council or person acting as such, as the case may be, may permit any member who cannot adequately express himself in either of the languages aforesaid to address the Council in his mother-tongue.

Restriction on discussion in Metropoliten Council.

25. No discussion shall take place in the Metropolitan Council with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

Courts not to inquire into proceedings of Metropolitan Council.

26. (*1*) The validity of any proceedings in the Metropolitan Council shall not be called in question on the ground of any alleged irregularity of procedure.

(*2*) No officer or member of the Metropolitan Council in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in the Council shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

PART III

THE ADMINISTRATOR'S EXECUTIVE COUNCIL

Executive Council.

27. (*1*) **There shall be an Executive Council, consisting of not more than four members, to assist and advise the Administrator in the exercise of his functions in relation to matters enumerated in the State List or the Concurrent List, except in so far as he is required by or under this Act to exercise his functions or any of them in his discretion or by or under any law to exercise any judicial or quasi-judicial functions:**

Provided that, in case of difference of opinion between the Administrator and the members of the Executive Council on any matter, other than a matter in respect of which he is required by or under this Act to act in his discretion, the Administrator shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision, it shall be competent for the Administrator in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary:

Provided further that every decision taken by a member of the Executive Council or by the Executive Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Administrator, and nothing in this sub-section shall be construed as preventing the Administrator in case of any difference of opinion between him and the members of the Executive Council from taking any action in respect of the administration of New Delhi as he, in his discretion, considers necessary.

(2) The Administrator shall preside at every meeting of the Executive Council, but if he is obliged to absent himself from any meeting of the Council owing to illness or any other cause, the senior-most member of the Executive Council shall preside at the meeting of the Council.

(3) The functions of the Administrator with respect to law and order in Delhi including the organization and discipline of police force, and with respect to such other matters as the President may from time to time specify in this behalf, shall be exercised by him in his discretion.

(4) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is by or under this Act required to act in his discretion, the decision of the Administrator thereon shall be final.

(5) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is required by or under any law to exercise any judicial or quasi-judicial functions, the decision of the Administrator thereon shall be final.

(6) If any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Administrator thereon shall be final.

(7) The question whether any, and if so, what advice was tendered by any member of the Executive Council to the Administrator shall not be enquired into in any court.

Other provisions as to members of Executive Council.

28. (1) The members of the Executive Council shall be appointed by the President.

(2) The members of the Executive Council shall hold office during the pleasure of the President.

(3) Before a member of the Executive Council enters upon his office, the Administrator shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Schedule.

(4) A member of the Executive Council who for any period of six consecutive months is not a member of the Metropolitan Council shall, at the expiration of that period, cease to be a member of the Executive Council.

(5) **The salaries and allowances of the members of the Executive Council shall be such as the President may, by order, determine.**

Conduct of business.

29. (1) The President shall make rules—

(a) for the allocation of business to the members of the Executive Council in so far as it is not business with respect to which the Administrator is required by or under this Act to act in his discretion; and

(b) for the more convenient transaction of business with the members of the Executive Council, including the procedure to be adopted in the case of a difference of opinion between the Administrator and the members of the Executive Council or a member of that Council.

(2) Save as otherwise provided in this Act, all executive action of the Administrator, whether taken in his discretion or otherwise, shall be expressed to be taken in the name of the Administrator.

(3) Orders and other instruments made and executed in the name of the Administrator shall be authenticated in such manner as may be specified in the rules to be made by the Administrator, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Administrator.

PART IV

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Relation of Administrator and members of Executive Council to President.

30. Notwithstanding anything in this Act, the Administrator and the members of the Executive Council shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

Provision in case of failure of constitutional machinery.

31. If the President, on receipt of a report from the Administrator or otherwise, is satisfied—

(a) that a situation has arisen in which the administration of Delhi cannot be carried on in accordance with the provisions of this Act; or

(b) that for the proper administration of Delhi it is necessary or expedient so to do,

the President may, by order, suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make

such incidental and consequential provisions as may appear to him to be necessary or expedient for administering Delhi in accordance with the provisions of article 239.

Provisions as to Interim Metropolitan Council.

32. (1) Until a Metropolitan Council has been duly constituted and summoned to meet for the first session under the provisions of Part II of this Act, there shall be an Interim Metropolitan Council consisting of—

(a) forty-two members elected by the members of the electoral college for Delhi, as in existence immediately before the commencement of this Act, in accordance with rules made by the Central Government in this behalf, such elections being held in accordance with the system of proportional representation by means of the single transferable vote, and

(b) not more than five members, not being persons in the service of Government, nominated by the Central Government.

(2) No person shall be qualified to be chosen as a member of the Interim Metropolitan Council unless he is an elector for any Parliamentary constituency in Delhi, and is not less than twenty-five years of age.

(3) The term of office of the members of the Interim Metropolitan Council shall expire immediately before the first meeting of the Metropolitan Council duly constituted under this Act.

(4) Election by the members of the electoral college for Delhi under sub-section (1) shall not be called in question on the ground merely of the existence of any vacancy in the membership of such college.

(5) In other respects, the provisions of Part II shall, so far as may be, apply in relation to the Interim Metropolitan Council as they apply in relation to the Metropolitan Council constituted under and in accordance with the provisions of that Part.

Interim Executive Council.

33. (1) Notwithstanding anything contained in Part III, the President may appoint such members of the Interim Metropolitan Council, not exceeding four in number, as he thinks fit to be the members of the Interim Executive Council.

(2) The members of the Interim Executive Council shall hold office during the pleasure of the President.

(3) A member of the Interim Executive Council shall cease to hold office as such if he ceases to be a member of the Interim Metropolitan Council.

(4) Subject to the foregoing provisions, the members of the Interim Executive Council shall—

(a) exercise all the powers and perform all the duties conferred by the provisions of this Act on the members of the Executive Council,

(b) **be entitled to such salaries and allowances as the President may, by order, determine.**

Contracts and suits.

34. For the removal of doubts it is hereby declared that—

(a) all contracts in connection with the administration of Delhi are contracts made in the exercise of the executive power of the Union;

(b) all suits and proceedings in connection with the administration of Delhi shall be instituted by or against the Government of India.

Amendment of Act 43 of 1950.

35. In the Representation of the People Act, 1950, in section 27A, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The electoral college for the Union territory of Delhi shall consist of the elected members of the Metropolitan Council constituted for that territory under the Delhi Administration Act, 1965 and until that Council is constituted, the electoral college shall consist of the elected members of the Interim Metropolitan Council constitute under that Act.".

Amendment of Act 20 of 1963.

36. In the Government of Union Territories Act, 1963, in clause (a) of sub-section (2) of section 41, for the words "the total number thereof remaining the same;" the words and figures "the number being 7, 4, 2 and 2;" shall be substituted.

Powers of President to remove difficulties.

37. If any difficulty arises in giving effect to the provisions of this Act and, in particular in relation to the constitution of the Interim Metropolitan Council, the President may, by order, do anything not inconsistent with the provisions of this Act which appear to him to be necessary or expedient for the purpose of removing the difficulty.

THE SCHEDULE

[*See* sections 6(*a*), 15(*1*) and 28(3)]

FORMS OF OATHS OR AFFIRMATIONS

I

FORM OF OATH OR AFFIRMATION TO BE MADE BY A CANDIDATE FOR ELECTION TO THE METROPOLITAN COUNCIL

"I, A.B., having been nominated as a candidate to fill a seat in the Metropolitan Council of Delhi do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India."

II

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE METROPOLITAN COUNCIL

"I, A.B., having been elected (or nominated) a member of the Metropolitan Council of Delhi do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

III

FORM OF OATH OF OFFICE FOR A MEMBER OF THE EXECUTIVE COUNCIL

"I, A.B., do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a member of the Executive Council, and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will."

IV

FORM OF OATH OF SECRECY FOR A MEMBER OF THE EXECUTIVE COUNCIL

"I, A.B., do swear in the name of God / solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a member of the Executive Council except as may be required for the due discharge of my duties as such member."

STATEMENT OF OBJECTS AND REASONS

This Bill has been brought forward with the object of providing for a larger measure of association of the representatives of the people of the Union territory of Delhi with the administration of the territory. It seeks to establish a Metropolitan Council for the entire territory and also an Executive Council to assist and advise the Administrator of the territory.

2. It is intended that elections to the Metropolitan Council should be held at the time of the next general elections. The Bill, therefore, provides for an Interim Metropolitan Council and an Interim Executive Council being constituted until the next general elections are held.

3. The Bill also seeks to provide that for the purposes of next general elections, the number of Parliamentary constituencies for the Union territory of Delhi shall be raised from five to seven.

4. At present, the electoral college for Delhi, which elects the representatives of the territory in the Rajya Sabha, consists of 90 members, *i.e.*, 80 councillors elected to the Delhi Municipal Corporation and 10 persons elected to the college from the New Delhi and Delhi Cantonment areas. The Bill provides that in future the elected members of the Metropolitan Council and, until the Metropolitan Council is constituted, the elected members of the Interim Metropolitan Council shall constitute the electoral college.

5. The provisions of the Bill are further explained in the notes on clauses.

NEW DELHI; G. L. NANDA.

The 3rd November, 1965.

Notes on clauses

Clause 3.—This clause provides for the constitution of a Metropolitan Council for Delhi. It is proposed that the number of seats in the Council to be filled by persons chosen by direct election shall be forty-two which is multiple of the seven Parliamentary constituencies into which Delhi is proposed to be divided under clause 36. Further, provision has been made to empower the Central Government to nominate not more than five members to the Council. Provision has also been made in this clause for reservation of seats for members of the scheduled castes in the Metropolitan Council on population basis according to the last preceding census of which the relevant figures have been published.

Clauses 4 *and* 5.—These clauses provide for the delimitation of the 42 single-member Metropolitan Council constituencies and determination of the number of seats to be reserved for scheduled castes and the constituencies in which these seats are to be reserved. This function is sought to be entrusted to the Election Commission who will be assisted by three members of the Interim Metropolitan Council.

Clause 6.—The qualifications for membership of the Metropolitan Council prescribed in this clause are the same as those prescribed for membership of the Legislative Assemblies constituted in certain Union territories under the Government of Union Territories Act, 1963.

Clauses 7 *and* 8.—These clauses provide that persons entitled to vote at elections to the Lok Sabha shall be the voters at the election to the Metropolitan Council and that the relevant portion of the roll for the Parliamentary constituency shall be the electoral roll for a Metropolitan Council constituency.

Clause 9.—This clause provides for the Representation of the People Act, 1951, and rules thereunder being followed with necessary adaptations for the purpose of elections to the Metropolitan Council.

Clause 10.—The term of the Metropolitan Council prescribed in this clause is the same as that prescribed in respect of Legislative Assemblies of Union territories constituted under the Government of Union Territories Act, 1963.

Clause 11.—This clause empowers the Administrator to summon the Metropolitan Council from time to time and to prorogue it. He can also dissolve the Council with the approval of the President.

Clauses 12 *and* 13.—Clause 12 provides for the election of a member of the Council as its Chairman and other terms of his office. Clause 13 lays down the procedure for considering any resolution for the removal of the Chairman. These clauses follow the corresponding provisions relating to the Speaker made in the Government of Union Territories Act, 1963.

Clause 14.—This clause enables the Administrator to attend and address meetings of the Metropolitan Council.

Clauses 15 *and* 16.—These relate to oath or affirmation by the members and the voting procedure in the Metropolitan Council and follow corresponding provisions made in respect of Legislative Assemblies under the Government of Union Territories Act, 1963.

Clause 17.—This clause apart from prohibiting simultaneous membership of Parliament and Metropolitan Council also prohibits simultaneous membership of Metropolitan Council and the Delhi Municipal Corporation. Sub-clauses (2) and (3) of this clause further specify the circumstances in which a member's seat may fall vacant.

Clause 18.—This clause lays down the disqualifications for membership of the Metropolitan Council and generally follows the relevant provisions of section 14 of the Government of Union Territories Act, 1963.

Clause 19.—This clause provides for the right of freedom of speech to, and other privileges of, the members of the Metropolitan Council.

Clause 20.—This clause provides for the salaries and allowances of the members being determined by the President.

Clause 21.—This enumerates the various matters which will come up for discussion before the Metropolitan Council and also provides that the recommendations made by the Metropolitan Council shall be duly considered by the Executive Council. Wherever necessary, the Administrator will forward the recommendations to the Central Government with the views, if any, expressed thereon by the Executive Council.

Clause 22.—This clause defines the scope of interpellations in the Metropolitan Council.

Clause 23.—This clause empowers the Metropolitan Council to make rules regulating its procedure and the conduct of its business. The Administrator is, however, empowered to make rules with the approval of the President for prohibiting the discussion of, or regulating the asking of questions on, matters which affect the discharge of his functions in so far as he is required to act in his discretion, or to exercise under the law judicial or quasi-judicial functions. Until rules are made in this behalf, the procedure and conduct of the business of the Metropolitan Council will be regulated by the rules made by the Administrator.

Clause 24.—This relates to the language in which the business of the Metropolitan Council shall be transacted.

Clause 25.—This clause prohibits discussion in the Metropolitan Council in respect of the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his functions and follows the corresponding provision in the Government of Union Territories Act, 1963.

Clause 26.—This clause provides that Courts shall not enquire into the proceedings of the Metropolitan Council and follows the provisions of section 37 of the Government of Union Territories Act, 1963.

Clauses 27 *to* 29.—Clause 27 provides for the constitution of an Executive Council to assist and advise the Administrator in the exercise of his functions except when he is required to act in his discretion or in a judicial or quasi-judicial capacity. Clause 28 contains other provisions regarding members of the Executive Council and clause 29 relates to the procedure in regard to conduct of its business.

Clauses 30 *and* 31.—These clauses provide that the Administrator and the members of his Executive Council shall be under the general control of, and comply with the directions given by, the President. It also empowers the President to suspend the operation of all or any of the provisions of the Act when it is necessary or expedient to do so and make other arrangements for the administration of the Union territory of Delhi.

Clauses 32 *and* 33.—These clauses provide that pending the constitution of the Metropolitan Council and the Executive Council, an Interim Metropolitan Council and an Interim Executive Council shall be established. The Interim Metropolitan Council will consist of forty-two members to be elected by the members of the present electoral college for Delhi and not more than five members to be

nominated by the President. The Interim Executive Council will consist of not more than four members of the Interim Metropolitan Council to be appointed by the President.

Clause 34.—This clause seeks to make it clear that contracts, suits and proceedings in connection with the administration of Delhi are contracts made in the exercise of the executive power of the Union and suits and proceedings instituted by or against the Central Government. It follows the corresponding provision in section 55 of the Government of Union Territories Act, 1963.

Clause 35.—The electoral college for Delhi at present consists of eighty elected members of the Delhi Municipal Corporation and ten persons elected from the areas within the New Delhi Municipal Committee and the Delhi Cantonment Board. The clause provides that the electoral college for Delhi shall consist of the elected members of the Metropolitan Council and that until the Metropolitan Council is constituted, it shall consist of the elected members of the Interim Metropolitan Council.

Clause 36.—This clause provides for an amendment of section 41(2) (*a*) of the Government of Union Territories Act, 1963 with a view to raise the number of Parliamentary constituencies for Delhi from five to seven.

Clause 37.—This clause provides for the removal of difficulties which may arise in giving effect to the provisions of the Act.

FINANCIAL MEMORANDUM

Clause 3(1) of the Bill provides for the setting up of a Metropolitan Council for Delhi, and clause 27(1) for constitution of an Executive Council. Clauses 12(5), 20 and 28(5) provide, respectively, for payment of salaries and allowances to the Chairman and the members of the Metropolitan Council and the members of the Executive Council. Clauses 32 and 33 provide that until a Metropolitan Council has been duly constituted and summoned to meet for the first session, an Interim Metropolitan Council and an Interim Executive Council shall be constituted. These clauses also provide for payment of salaries and allowances to the members of the Interim Metropolitan Council and the Interim Executive Council. The expenditure on such salaries and allowances and other expenditure of an incidental nature such as staff for the Metropolitan Council and the Executive Council, purchase of motor cars and election to the Metropolitan Council, etc., will have to be met from the Consolidated Fund of India. The estimated expenditure on this account will be about Rs. 3·79 lakhs per annum recurring and Rs. 2·56 lakhs non-recurring as indicated below:—

(Rs. in lakhs)

(*a*) Salaries and allowances of the four Executive Councillors and the Chairman, Metropolitan Council and their personal staff, etc. (recurring) ..	2·00
(*b*) Salaries and allowances of members of the Metropolitan Council (recurring)	1·79
(*c*) Purchase of motor cars and telephones (O.Y.T. scheme) for the four Executive Councillors, and the Chairman, Metropolitan Council, etc., (non-recurring)	1.21
(*d*) Elections to the Metropolitan Council (once in five years) and to the Interim Metropolitan Council ..	1.35

Clause 36 provides for the number of Parliamentary constituencies in Delhi being raised from five to seven. Additional expenditure on account of salaries and allowances of the two members who will be elected from the two extra Parliamentary constituencies will be about Rs. 24,400 per annum (recurring). This expenditure will also have to be met from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers (a) the Metropolitan Council to make rules for regulating its procedure and conduct of its business; and (b) the Administrator to make, with the approval of the President, rules for prohibiting the discussion of, or regulating the asking of questions on, any matter which affects the discharge of his functions in so far as he is required by or under this Bill to act in his discretion or by or under any law to exercise judicial or quasi-judicial functions. Clause 29 provides for the rules regarding the transaction of business with the members of Executive Council being made by the President and empowers the Administrator to make rules prescribing the manner of authenticating the orders issued in his name. Clause 32(1) empowers the Central Government to make rules for the conduct of elections to the Interim Metropolitan Council. Clause 9 further empowers the Central Government to make an order specifying the modifications subject to which certain provisions of the Representation of the People Act, 1951, and any rules and orders made thereunder relating to the conduct of elections to the Legislative Assembly of a State shall apply to the conduct of elections to the Metropolitan Council.

2. The matters mentioned above are of a procedural nature and it is difficult to provide for these matters in the Bill itself. The proposals for delegation of legislative power are thus of a normal character.

BILL No. 71 OF 1965

A bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1965-66.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No 5) Act, 1965. **Short title.**

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eighty-five crores, eighty-two lakhs and ninety thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1965-66, in respect of the services specified in column 2 of the Schedule. **Issue of Rs. 85,82,90,000 out of the Consolidated Fund of India for the year 1965-66.**

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. **Appropriation.**

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
16	Education	1,000	..	1,000
37	Other Revenue Expenditure of the Ministry of Finance . .	5,25,000	*2,81,000*	8,06,000
39	Grants-in-aid to State and Union territory Governments. .	1,00,00,000	..	1,00,00,000
47	Other Revenue Expenditure of the Ministry of Food and Agriculture	7,50,00,000	..	7,50,00,000
83	Other Revenue Expenditure of the Ministry of Petroleum and Chemicals . . .	1,65,00,000	..	1,65,00,000
110	Other Revenue Expenditure of Lok Sabha	1,00,000	..	1,00,000
121	Capital Outlay on Currency and Coinage	71,43,00,000	..	71,43,00,000
127	Loans and Advances by the Central Government . . .	..	*1,00,00,000*	1,00,00,000
130	Other Capital Outlay of the Ministry of Food and Agriculture	15,00,000	..	15,00,000
133	Capital Outlay of the Ministry of Industry and Supply . .	2,80,83,000	..	2,80,83,000
140	Capital Outlay of the Ministry of Steel and Mines . .	20,00,000	..	20,00,000
	TOTAL . .	84,80,09,000	*1,02,81,000*	85,82,90,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year 1965-66.

B. R. BHAGAT.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F.5(12)-/65, dated the 2nd November, 1965 from Shri Bali Ram Bhagat, Minister of Planning to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the year ending on the 31st day of March, 1966, recommends the introduction of the Appropriation (No. 5) Bill, 1965 in the Lok Sabha and also recommends to the Sabha the consideration of the Bill under article 117(1) and (3) of the Constitution read with article 115 thereof.

2. The Bill will be introduced in the Lok Sabha after all the Supplementary Demands for Grants for 1965-66 have been voted.

S. L. SHAKDHER,
Secretary.

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